

7A Am. Jur. 2d Automobiles § 170

American Jurisprudence, Second Edition | November 2021 Update

Automobiles and Highway Traffic

Barbara J. Van Arsdale, J.D.; Keith A. Braswell, J.D., of the staff of the National Legal Research Group, Inc.; George Blum, J.D.; John Bourdeau, J.D.; Paul M. Coltoff, J.D.; John A. Gebauer, J.D.; Noah J. Gordon, J.D.; Mary Babb Morris, J.D., of the staff of the National Legal Research Group, Inc.; Karl Oakes, J.D.; and Eric C. Surette, J.D.

III. Licensing, Taxation, and Registration

D. Financial Responsibility or Security Requirements


1. In General

a. Overview

§ 170. What constitutes operation of a motor vehicle on public roads

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

West's Key Number Digest, [Automobiles](#)  89

Financial responsibility acts generally apply to only to the operation of vehicles on public roads. Activities that have been held to constitute such operation include the incidental use of golf carts to cross public roads (where use of the carts is required to play the course and use of public roads by the carts is unavoidable due to the course's design),¹ a transit authority's use of vehicles,² and the use of a pickup truck to tow a farm trailer during hay-baling operations.³

It has been held that a motorcycle that is designed primarily for off-road use is not a “motor vehicle” under the financial responsibility act of at least one state, and the owner of such a vehicle is not required to maintain liability insurance on it for such use.⁴ However, it has also been held that a motorcycle fits within the definition of a “motor vehicle” as used in a state's financial responsibility act.⁵

A motor vehicle that remains operable cannot be voluntarily placed “out of service” by the owner by simply not driving it, so that owner would be exempt from a financial responsibility requirement for vehicle registration and driving privileges.⁶

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Footnotes

¹ [Del E. Webb Cactus Development, Inc. v. Jessup](#), 176 Ariz. 541, 863 P.2d 260 (Ct. App. Div. 2 1993).

- 2 Dotts v. Taressa J.A., 182 W. Va. 586, 390 S.E.2d 568 (1990).
3 Melchert v. Melchert, 519 N.W.2d 223 (Minn. Ct. App. 1994).
4 Carguillo v. State Farm Mut. Auto. Ins. Co., 529 So. 2d 276 (Fla. 1988).
5 State v. Damman, 244 Kan. 487, 769 P.2d 662 (1989); Myers v. Cline, 190 W. Va. 103, 437 S.E.2d 267 (1993).
As to the applicability of motor vehicle statutes to motorcycles, generally, see § 89.
6 State ex rel. Wright v. Ohio Bur. of Motor Vehicles, 87 Ohio St. 3d 184, 1999-Ohio-17, 718 N.E.2d 908 (1999).

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